

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STONEX COMMODITY SOLUTIONS
LLC f/k/a FCSTONE MERCHANT
SERVICES, LLC, a Delaware Limited
Liability Company,

Plaintiff,
v. 1:23-cv-00735-MLG-LF

THOMAS BUNKLEY III,

Defendant.

ORDER FOR FURTHER RULE 7.1 DISCLOSURE

THIS MATTER is before the court *sua sponte* for jurisdictional purposes. Plaintiff StoneX Commodity Solutions LLC filed its complaint in this Court on August 31, 2023, based on diversity jurisdiction. Doc. 1. Plaintiff's complaint identifies its sole member as "Global Futures and Forex, Ltd., . . . a Michigan corporation." *Id.* at 1. Plaintiff's Rule 7.1 Disclosure Statement identifies the same corporation as its parent corporation but provides no further information regarding citizenship. Doc. 3. The information provided in plaintiffs' complaint and disclosure is insufficient to confirm the diversity of citizenship necessary to establish jurisdiction under 28 U.S.C. § 1332(a).

"Supreme Court precedent makes clear that in determining the citizenship of an unincorporated association for purposes of diversity, federal courts must include all the entities' members." *Siloam Springs Hotel, L.L.C. v. Century Sur. Co.*, 781 F.3d 1233, 1237–38 (10th Cir. 2015) (citing *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195–96 (1990)) (other citations omitted); *see also Americold Realty Trust v. Conagra Foods, Inc.*, 577 U.S. 378, 380 (2016) (affirming the Tenth Circuit's holding that "the citizenship of any 'non-corporate artificial entity' is determined by considering all of the entity's 'members'"). "[A] corporation shall be deemed to be a citizen

of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business” 28 U.S.C.A. § 1332(c)(1); *see also Hertz Corp. v. Friend*, 559 U.S. 77 (2010) (holding that a corporation’s principal place of business is the place where its officers direct, control, and coordinate its activities). “[T]he relevant time period for determining the existence of complete diversity is the time of the filing of the complaint.” *Siloam Springs Hotel*, 781 F.3d at 1239.

Accordingly, within 21 days of the date of this order, the plaintiff shall file a response stating the principal place of business, as of the time that the underlying district court action was commenced, of Global Futures and Forex, Ltd., its sole member.

IT IS SO ORDERED.



Laura Fashing
United States Magistrate Judge